WRIT PETITION No.25561 OF 2005

19th December, 2005.

Between:

Gudimetla Rajaiah @ Jangam Rajaih. .. Petitioner.

and three others.

And

The Station House Officer,

Velgatoor (M), Karimnagar District

And two others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25561 OF 2005

ORDER:

The petitioners seek a Writ of Certiorari calling for the records relating to FIR No.94/05 dated 17.10.2005 on the file of the Sub-Inspector of Police, Velgatoor P.S., Karimnagar District, and to quash the same declaring the registration of the said FIR as arbitrary and illegal.

The facts, in brief, are as under:

On 17.10.2005 the 3rd respondent herein, lodged a complaint with the 2nd respondent alleging that on 12.10.2005, the writ petitioners went to her house and attacked her, resulting in head injury to her. They also beat her son, her father-in-law and mother-in-law and abused all of them in filthy language. Again, on 13.10.2005,

they went to her house and beat them. On 16.10.2005, the second son of the 3rd respondent by name Ravi, who felt humiliated on account of the above said incidents, consumed pesticide and committed suicide. He was declared dead in Karimnagar Hospital. It was alleged that the writ petitioners herein were responsible for the death of her son, Ravi, and, therefore, suitable action shall be taken. On the basis of the said complaint, the 2nd respondent registered FIR No.94/05 for the offence punishable under Section 306 IPC, in which all the four writ petitioners were shown as the accused. The said action of the 2nd respondents in registering Crime No.94/05 is under challenge in this writ petition, contending that even if all the allegations in the FIR are taken to be true, no offence can be said to have made out against the petitioners since the alleged humiliation caused to the son of the 3rd respondent does not amount to abetment to commit suicide. The petitioners have also denied the allegations made in the complaint and stated that they are no way responsible for the death of the son of the 3rd respondent.

The learned counsel for the petitioners while placing reliance upon the decisions of this Court in **Neelam v. State of A.P., Bura Manohar v. State of A.P. Kandregula Veeramsetti v. SHO, II Town P.S., Bhimavaram, C. Nehru Babu v. State of A.P.,** and **P. Ram Murthy v. Station House Officer**, vehemently contended that the offence under Section 306 IPC is not at all attracted since the acts alleged against the petitioners towards the deceased cannot amount to inducement or abetment to commit an offence of suicide.

In the counter-affidavit filed by the Sub-Inspector of Police, Velgatoor P.S., Karimnagar District, it is stated that on 12.10.2005, the son of the 3rd respondent by name Naini Raj Kumar lodged a complaint against the petitioners alleging that they criminally trespassed into his house and beat his mother, Bhagya Lakshmi and grandmother Lakshmi, resulting in simple injuries. Basing on the said complaint, Crime No.96/2005 was registered under Section 448, 323, 324 read with 34 IPC, on 19.10.2005, after obtaining wound certificate. That apart, the 3rd respondent lodged a complaint on 17.10.2005 against the petitioners alleging that they went to her house and abused her in filthy language and beat her. It was also stated that on account of the filthy language used by the petitioners, her son by name Naini Ravi Kumar felt humiliated and consumed pesticide on 16.10.2005 and died. Basing on the said complaint, a case in Crime No.94/2005 under Section 306 IPC, was

registered and investigation has been taken up. In both the crimes, the petitioners who were shown as accused are absconding since the commission of the offence and no arrests have been made so far. Even the report of the Forensic Science Laboratory is still awaited.

From the pleadings, it is clear that the investigation in the Crime No.94/05 is still at the initial stage. It is also relevant to note that apart from Crime No.94/2005 registered under Section 306 IPC, the 2nd respondent has also registered Crime No.96/05 basing on the same set of allegations against the petitioners.

There can be no dispute about the ratio laid down in the decisions cited above, wherein it was consistently held that there is no abetment as defined under Section 107 IPC, in case of suicide by an individual, who felt humiliated, because of the acts of the accused. However, it appears that in all the said decisions having completed the investigation, charge sheets were filed before the competent Courts and on the basis of the material available, this Court concluded that the accused therein cannot be prosecuted for an offence under Section 306 IPC.

As observed above, in the case on hand, the investigation is still at the initial stage and as such, it would not be proper for this Court to arrive at a conclusion that the ingredients of the offence under Section 306 IPC, have not been made out. It is relevant to note that recording of First Information is only for the purpose of setting in motion of a criminal investigation and after completing the investigation, on the basis of the material available, the Investigating Officer may file the charge-sheet for the offences under appropriate provisions of law. Hence, quashing of the FIR while the investigation is at the very initial stage is not warranted. That apart, on the basis of the very same allegations, FIR No.96/05 has also been registered and the investigation in the said crime is also pending. In the circumstances, I do not find any justifiable reason to interdict the investigation at this stage. However, liberty is granted to the petitioners to institute fresh proceedings after the investigation is completed.

With the above observation, the writ petition is disposed of. No costs.

(G. ROHINI, J.)

19th December, 2005.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI